

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

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|--|-----------------------------|--|----------------------------------|-----------------------|
| AGENCY NAME MS State Department of Health | | CONTACT PERSON Mitchell Adcock | TELEPHONE NUMBER 601-576-7847 | |
| ADDRESS PO Box 1700 | | CITY Jackson | STATE MS | ZIP 39215 -1700 |
| EMAIL Ingrid.williams@msdh.ms.gov | SUBMIT DATE May 18, 2016 | Name or number of rule(s): MINIMUM STANDARDS FOR PERSONAL CARE HOMES RESIDENTIAL LIVING | | |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amendments to regulation for personal care homes, residential and assisted living, to provide residents educational information on Influenza disease and not require facilities to provide or pay for any vaccination against influenza.

Specific legal authority authorizing the promulgation of rule: §43-11-13

List all rules repealed, amended, or suspended by the proposed rule: Rule(s):48.12.5

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on Date: 06/13/2016 Time: 10:45 a.m. Place: Mississippi State Department of Health, Osborne Auditorium, 570 E. Woodrow Wilson Drive, Jackson, MS

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.


ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

| TEMPORARY RULES | PROPOSED ACTION ON RULES | FINAL ACTION ON RULES |
|--|---|--|
| _____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____ | Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____ | Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____ |

Printed name and Title of person authorized to file rules: Mitchell Adcock, Chief Administrative Officer

Signature of person authorized to file rules: *Mitchell Adcock*

| OFFICIAL FILING STAMP | DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP | OFFICIAL FILING STAMP |
|---|--|---|
| <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by | <div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <u>#21960</u> <i>[Signature]</i> | <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by |

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

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|--|--|--|----------------------------------|
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| ADDRESS PO Box 1700 | CITY Jackson | STATE MS | ZIP 39215-1700 |
| EMAIL Ingrid.williams@msdh.ms.gov | DESCRIPTIVE TITLE OF PROPOSED RULE Minimum Standards for Personal Care Homes Residential Living | | |
| Specific Legal Authority Authorizing the promulgation of Rule Miss Code Ann. §43-11-13 | | Reference to Rules repealed, amended or suspended by the Proposed Rule: Minimum Standards for Personal Care Homes Residential Living Amended: Rule 48.12.5 | |

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: Residents in personal care homes, both residential and assisted living, will receive educational information on Influenza disease.
2. Briefly describe the need for the proposed rule: Residents in personal care homes, both residential and assisted living, do not receive educational information on Influenza disease at this time.
3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
It will provide information on influenza disease to residents in personal care homes, both residential and assisted living.
4. Estimated Cost of implementing proposed action:
 - a. To the agency
Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - b. To other state or local government entities
X Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
 - c. Cost:
☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
 - d. Economic Benefit:
Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive
6. Estimated impact on small businesses:

X Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

 - a. Estimate of the number of small businesses subject to the proposed regulation: None.
 - b. Projected costs for small businesses to comply: None.
 - c. Statement of probable effect on impacted small businesses: None.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
the same as ☒ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than ☐ moderately less than ☐ minimally less than
the same as ☐ minimally more than ☒ moderately more than
substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?

☐ yes ☒ no


2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form. We did not have specific data to refer to since this is a new requirement in Mississippi.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? The oral proceeding is scheduled for June 13, 2016, at 10:45 am. Osborne Auditorium, 570 East Woodrow Wilson, Jackson, MS 39215-1700

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| SIGNATURE  | TITLE Mitchell Adcock, Chief Administrative Officer |
| DATE 5/18/16 | PROPOSED EFFECTIVE DATE OF RULE 30 days after filing |